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SUBJECT: EU COUNTRIES PLEDGE TO TAKE IN SOME 10,000 IRAQI REFUGEES

REF: BRUSSELS 1538

SUMMARY

1. EU ministers in the November 27 JHA Council pledged to take in, "as a signal of solidarity, up to around" 10,000 Iraqi refugees in particularly vulnerable situations. Reception will take place on a voluntary basis, taking account of the capacities of the individual Member States and of "the overall effort already made in terms of taking in refugees." Ministers also formally decided to lift controls at land borders between Switzerland and its EU neighbors on December 12, 2008; the lifting of controls at air borders will follow on March 29, thus completing Switzerland's accession to the Schengen area. Among other migration-related issues, the Council adopted conclusions on the implementation of the EU's "global approach" but failed to extend the possibility of obtaining long-term resident status to beneficiaries of international protection. Full text of the Council conclusions will be published on the EU Council website (<http://consilium.europa.eu>).

IRAQI REFUGEES

2. Commission Vice-President Jacques Barrot reported to EU Home Affairs/Immigration ministers in the November 27 JHA Council on the findings of a recent Commission/UNHCR mission in Syria and Jordan to assess the situation of Iraqi refugees and prospects for their resettlement in EU countries. Following luncheon discussions that involved many delegations according to EU sources, the Council adopted conclusions calling on Member States, "as a signal of solidarity, to take in Iraqi refugees in a particularly vulnerable situation such as those with particular medical needs, trauma or torture victims, members of religious minorities or women on their own with family responsibilities."

3. French Immigration and Integration Minister/Council chair Brice Hortefeux told a joint press conference with Vice-President Barrot that reception would take place on a voluntary basis. The Council conclusions also said that reception by the individual EU countries would take place "in the light of the reception capacities of Member States and the overall effort already made in terms of taking in of refugees." Taking account of "the resettlement target set out by UNHCR, and taking into account the number of persons already taken in or planned to be taken in by Member States, in particular under their national resettlement programs, the objective could be to take in up to around 10 000 refugees." The conclusions specified: "In taking this approach, Member States should cooperate closely with UNHCR and the other competent organizations present in the region. They should bear in mind the importance of promoting reconciliation between Iraqi communities in Iraq."

4. With this decision, Hortefeux said, the EU "is offering the image of a Europe with a capacity of reception, protection and generosity." Hortefeux underlined the difficulty of reaching a common stance of the EU countries, also citing demands from the Iraqi government that had called on the German authorities earlier this year not to encourage migration from Iraq. Hortefeux explained

that the Council amended the draft text of its conclusions, which included no specific resettlement target and simply mentioned "a significant number of refugees." Horteaux mentioned that five EU delegations in the initially resisted the idea of a precise target sought by German Interior Minister Wolfgang Scha|ble (himself pressed by the German laender). The reference to the "reception capacities" was meant to meet the problems of heavily-pressed migration countris Malta, Cyprus and Greece.

15. Horteaux and other sources indicated that Germany had signaed readiness to take in 2500 refugees. Horteaux noted that France was currently hosting 488 Iraqi refugees and had previously stated its readiness to welcome up to 1000 refugees in 2008 (981 dossiers presented). Barrot and Horteaux were not in a position to provide a full picture of the current situation of Iraqi refugees in the EU-27 but Barrot cited the following figures: 600 in the UK, 750 in Sweden, 750 in the Netherlands, 380 in Finland and 2000 in Malta. Horteaux and Barrot also mentioned a UNHCR target for resettlement of 80,000 over three years, including 20,000 in Europe.

16. The conclusions also recalled that the European Refugee Fund provides financial support for resettlement projects. Barrot noted that Member States have until December 19, 2008 to report to the Commission on their plans with a view to calculating the allocation of EU funding for 2009. The Commission will report at the beginning of 2009 on the information gathered from Member States on the basis of the Council conclusions. Ministers concurred they would have to revert to the issue.

SWITZERLAND TO JOIN SCHENGEN AREA

17. Ministers decided to lift controls at land borders between

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Switzerland and its EU neighbors (except for the border with Liechtenstein, for which Switzerland had to put special control arrangements in place) on December 12, 2008. The lifting of controls at air borders will follow on March 29, 2009 (coinciding with the transition to summer time), thus completing Switzerland's accession to the Schengen area.

18. The decision was reached without discussion. Speaking on the sidelines of the meeting, however, EU officials made it clear that Switzerland's future in the free-border area would be questioned if Swiss citizens were to vote against the principle of free circulation in a future referendum. In the words of Commission Vice-President Barrot, "If Switzerland were not to respect the principle of free circulation of people or impose restrictions on it, that would pose a major problem and we would have to interrupt Switzerland's presence in Schengen. But we have confidence in the Swiss people."

OTHER ISSUES

19. In other migration/integration related issues, the Council:

-- Endorsed conclusions on implementation of the EU's "Global Approach" to the issue of migrations and the development of partnerships with countries of origin and transit. The conclusions, which follow up a Commission communication on strengthening the approach and will be adopted by EU Foreign Ministers in the December 8 GAERC, seek to evaluate action to date and to formulate a strategy for the future;

-- Minister Horteaux presented the results of the second Euro-African ministerial conference on migration and development, held in Paris on November 25;

-- Building on the final declaration approved by the Conference on Integration that took place in Vichy on November 3-4, adopted conclusions emphasizing the importance attached by the EU to the development of a coherent integration policy and identifying a series of priority areas for future action, including the "promotion of European values," access to employment, the integration of women

and the education of children;

-- Took stock of progress on a proposal establishing a single application procedure for non-EU nationals to reside and work in the territory of a Member State and on a common set of rights for non-EU nationals legally residing in a Member State. The proposal, to be handled by the upcoming Czech Presidency, is intended to establish a "one-stop shop" for non-EU nationals wishing to reside in a Member State for the purpose of work;

-- Failed to reach the necessary consensus to amend an existing Directive in order to extend the possibility of obtaining long-term resident status to beneficiaries of international protection. The Slovenian Presidency failed to record agreement on this proposal last June as several countries (Benelux, Finland, Sweden) wanted the proposal to cover people benefiting from humanitarian protection. Malta is now blocking the draft, arguing that it is facing migratory pressure and that any change in the EU legislation would have an impact on requirements for obtaining long-term resident status. This issue was also deferred to the Czech Presidency;

-- Ministers followed on their September 25 discussions on the implications of the "Metock" ruling by the European Court of Justice (REFTEL), which had caused fears in Denmark that the ruling could encourage migrants to enter the EU by having recourse to false marriages. The Council adopted conclusions tasking the Commission to produce guidelines on the implementation of the 2004 EC Directive on the free movement of persons, in particular in terms of making use of its provisions to combat possible abuses more effectively.

EU "BLUE CARD" SCHEME: ADOPTION DELAYED

110. Minister Hortefeux told reporters that the draft Directive setting conditions of entry and residence of non-EU nationals for the purpose of highly-qualified employment (the EU's "blue card" scheme) would be formally adopted by the Council in the early months of 2009. The September 25 JHA Council had reached a "quasi-agreement" on the scheme, save for a reservation by the Czech delegation that did not want to commit on the date of application of the Directive (REFTEL). Hortefeux and Barrot said the Czechs had lifted their reservation but invoked further cleaning of the text to explain the delay. Other sources pointed to a non-binding report by the European Parliament seeking clarifications on the "blue card" eligibility requirements.

SILVERBERG